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dba Bella's Hacienda Ranch*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA (RENO)**

**JANE DOE;**

**Plaintiff,**

**v.**

**JOSEPH LOMBARDO, Governor of  
Nevada, in his official capacity; AARON  
FORD, Attorney General of Nevada, in his  
official capacity; NYE COUNTY; ELKO  
COUNTY; STOREY COUNTY; WESTERN  
BEST, INC. D/B/A CHICKEN RANCH;  
WESTERN BEST, LLC; DESERT ROSE  
CLUB, LLC; HACIENDA ROOMING  
HOUSE, INC. D/B/A BELLA'S HACIENDA  
RANCH; MUSTANG RANCH  
PRODUCTIONS, LLC d/b/a MUSTANG  
RANCH LOUNGE, LLC; LEONARD  
"LANCE" GILMAN, in his  
official capacity; and LEONARD "LANCE"  
GILMAN, in his individual capacity,**

**Defendants.**

**Case No. 3:24-cv-00065-MMD-CSD**

**DEFENDANT HACIENDA ROOMING  
HOUSE, INC. D/B/A BELLA'S  
HACIENDA RANCH'S ("BELLAS")  
RESPONSE TO PLAINTIFF'S  
COMBINED MOTION TO STRIKE  
BELLA'S RESPONSE [#126] TO  
PLAINTIFF'S REQUEST FOR ENTRY  
OF DEFAULT [#113] AND  
DECLARATION OF BELLA  
CUMMINS IN SUPPORT THEREOF,  
AND RESPONSE TO BELLA'S  
NOTICE OF UNAVAILABILITY AND  
MOTION FOR A CONTINUANCE OF  
TIME DURING THIS  
UNAVAILABILITY [#129]**

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**MEMORANDUM OF POINTS AND AUTHORITIES**

Plaintiff Jane Doe has filed a combined motion to strike (“Motion”) Defendant Hacienda Rooming House, Inc. d/b/a Bella’s Hacienda Ranch’s (“Bellas”) response [#126] to Plaintiff’s request for entry of default [#113] and declaration of Bella Cummins in support thereof and response to Bella’s notice of unavailability and motion for continuance of time during this unavailability [#129]. Bellas hereby responds and requests that the Motion be denied for two principal reasons.

First, Plaintiff argues that Bella’s “response was not timely, and an untimely motion by an opposing party constitutes consent to granting of the motion.” Motion, p. 3 lines 12-13. Plaintiff is incorrect. Bella’s response [#126] was timely. Plaintiff served her request for entry of default by first class mail on August 29, 2024 [#113, p. 5]. Local Rule 7-2(b) states that a response is due in fourteen (14) days after service. Pursuant to Federal Rule of Civil Procedure 6(d), three (3) additional days are given because Plaintiff served her response by mail. *Accord* Local Rule IC 4-1(b) (directs that non-registered filers must be served conventionally under the Federal Rules of Civil Procedure). Bellas was *pro se* and not a registered CM/ECF filer when she was served. As a result, Bella’s response was due Sunday, September 15, 2024 (i.e., 17 days after August 29, 2024). Because Bella’s response fell due on a Sunday, the deadline is pushed forward to Monday, September 16, 2024 pursuant to Federal Rule of Civil Procedure 6(a)(1)(C). Bella timely filed her response on September 16, 2024 [#124]. As a result, she has not consented, by untimely default, to the granting of the motion.

Second, Plaintiff maintains that “Clerk had entered default judgment on September 12, 2024, ECF No. 122.” Motion, p. 3 line 9. That is also incorrect. The Clerk has not signed or

1 dated Document Number 122. Therefore, default has not been entered. As a result, Plaintiff need  
2 not alternatively move to set aside a default at this juncture as suggested by Plaintiff.

3 Plaintiff's Motion to Strike must therefore be denied.

4 DATED: October 14, 2024

STEPHENSON LAW, PLLC

5 *John Neil Stephenson*

6 By: John Neil Stephenson

7 Its: Managing Member

8 *Counsel for Defendant Hacienda Rooming*  
9 *House, Inc. dba Bella's Hacienda Ranch*

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing, DEFENDANT HACIENDA ROOMING HOUSE, INC. D/B/A BELLA'S HACIENDA RANCH'S ("BELLAS") RESPONSE TO PLAINTIFF'S COMBINED MOTION TO STRIKE BELLA'S RESPONSE [#126] TO PLAINTIFF'S REQUEST FOR ENTRY OF DEFAULT [#113] AND DECLARATION OF BELLA CUMMINS IN SUPPORT THEREOF, AND RESPONSE TO BELLA'S NOTICE OF UNAVAILABILITY AND MOTION FOR A CONTINUANCE OF TIME DURING THIS UNAVAILABILITY [#129] by using the CM/ECF system on the date indicated below. To the best of my knowledge and belief, I certify that participants in the case are registered electronic filing system users and will be served via this Court's CM/ECF system.

DATED: October 14, 2024

STEPHENSON LAW, PLLC

*John Neil Stephenson*

By: John Neil Stephenson

Its: Managing Member

*Counsel for Defendant Hacienda Rooming  
House, Inc. dba Bella's Hacienda Ranch*